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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,424	08/24/1999	JEFFRY LOVAN PHILYAW	PHLY-24.733	5218

25883 7590 03/12/2002

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EXAMINER

KUPSTAS, TOD A

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 03/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/382,424

Applicant(s)

PHILYAW ET AL.

Examiner

Tod Kupstas

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Golden et al. (US 5,761,648).

As forth in claim 1, Golden et al. disclose a method of tracking network activity of a user, comprising the steps of: implementing a profile application on a computer of the user disposed on a network to track the network activity of the user, the profile application containing a unique ID and having a bar code distinct from the unique ID associated therewith; see col. 5, lines 9-23 (the pin and barcode, the pin can be entered in a different fashion( via phone) than the barcode, see step 50 as compared to steps 58 and 59); entering user information of the user into the profile application; see col. 5, line 60-col. 6, line 6; accessing a vendor server on the network by the user to view server information; and logging with an activity log activities of the user while the user accesses the vendor server for server information; see col. 5, lines 12-21 and 35-42 (This system logs and uses the profile information of the end user to keep track of the user).

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As forth in claim 2, Golden et al. disclose a method wherein the profile information is transmitted to a registration server disposed on the network for storing, and the bar code and unique ID returned to the computer of the user in response to receiving the profile; see col. 5, lines 47-56.

As forth in claim 3, Golden et al. disclose a method wherein the vendor server transmits the activity log to the registration server in response to the user exiting the vendor server; see col. 5, lines 14-24.

As forth in claim 4, Golden et al. disclose a method wherein the activity log is appended to the user information stored on the registration server (part of the profile data-i.e. the system keeps track of coupons cashed, issued, etc.).

As forth in claim 5, Golden et al. disclose a method wherein the profile application contains the unique ID and the bar code; see col. 4, lines 9-26.

As forth in claim 6, Golden et al. disclose a method wherein the profile application passes the unique ID and bar code to the vendor server when the user accesses the vendor server (the issuer uses this information to print the coupon).

As forth in claim 7, Golden et al. disclose a method wherein the vendor server accesses a registration server disposed on the network to obtain the user information stored thereon; see col. 5, lines 9-42.

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As forth in claim 8, Golden et al. disclose a method wherein the vendor server presents advertising to the user based upon information extracted from the user information; (the vendor (issuer) compiles demographic information and other advertising material).

As forth in claim 9, Golden et al. disclose a method wherein the activity log is generated on the computer of the user and stored thereof (the end user contains a listing of coupons downloaded and used, etc.).

As forth in claim 10, Golden et al. disclose a system for tracking network activity of a user, comprising the steps of: a profile application implemented on a computer of the user disposed on a network to track the network activity of the user, the profile application containing a unique ID and having a bar code distinct from the unique ID associated therewith; see col. 5, lines 9-23 (the pin and barcode, the pin can be entered in a different fashion( via phone) than the barcode, see step 50 as compared to steps 58 and 59); user information of the user entered into the profile application; ; see col. 5, line 60-col. 6, line 6; a vendor server on the network accessed by the user to view server information; and activity log for logging activities of the user while the user accesses the vendor server for server information; see col. 5, lines 12-21 and 35-42 (This system logs and uses the profile information of the end user to keep track of the user).

As forth in claim 11, Golden et al. disclose a system wherein the profile information is transmitted to a registration server disposed on the network for storing, and the bar code and unique ID returned to the computer of the user in response to receiving the profile; see col. 5, lines 47-56.

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As forth in claim 12, Golden et al. disclose a system wherein said vendor server transmits the activity log to the registration server in response to the user exiting the vendor server; see col. 5, lines 14-24.

As forth in claim 13, Golden et al. disclose a system wherein the activity log is appended to the user information stored on the registration server (part of the profile data-i.e. the system keeps track of coupons cashed, issued, etc.).

As forth in claim 14, Golden et al. disclose a system wherein the profile application contains the unique ID and bar code; see col. 4, lines 9-26.

As forth in claim 15, Golden et al. disclose a system wherein the profile application passes the unique ID and bar code to the vendor server when the user accesses the vendor server (the issuer uses this information to print the coupon).

As forth in claim 16, Golden et al. disclose a system wherein the vendor server accesses a registration server disposed on the network to obtain the user information stored thereon; see col. 5, lines 9-42.

As forth in claim 17, Golden et al. disclose a system wherein the vendor server presents advertising to the user based upon information extracted from the user information (the vendor (issuer) compiles demographic information and other advertising material).

As forth in claim 18, Golden et al. disclose a system wherein the activity log is generated on the computer of the user and stored thereon (the end user contains a listing of coupons downloaded and used, etc.).

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***Response to Arguments***

3. Applicant's arguments filed 2/27/2002 have been fully considered but they are not persuasive.

Applicant argues that there are no tracking services in Golden. The examiner disagrees and points to col. 5, lines 39-42, wherein the profile is used to update reports, and further to col. 5, lines 9-12 wherein the user history can be accessed. These are forms of tracking and imply that program tracks usage (col. 5, lines 15-17 states "This consumer or profile data can be contained in the household profile, submitted by the consumer to register for the system and periodically updated with additional questions and usage history", therefore the profile is updated with usage history, which is a form of tracking).

The newly amended claim states that the profile application contains "a unique ID and [has] a bar code distinct from the unique ID associated therewith." Golden has a PIN and a barcode that is a form of the PIN. The PIN can be entered in a different fashion (via phone) than the barcode, see step 50 as compared to steps 58 and 59. This implies that the barcode is distinct from the PIN since it can be entered in a different fashion. The newly amended claim does not overcome the prior art of record and the rejection stands.

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*Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. The fax phone number for this art unit is (703) 308-7201. Any inquiry of a general nature or relating to the status of this



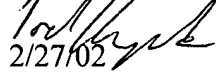
Application/Control Number: 09/382,424

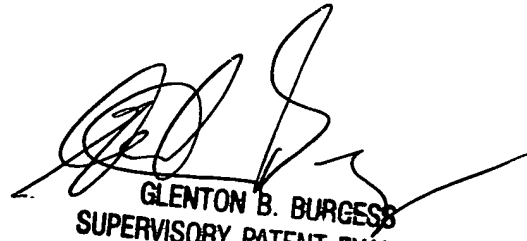
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application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas

  
2/27/02

  
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